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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER	
HASHEM, LISA	
ART UNIT	**PAPER NUMBER**
2645	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/929,023	CHAN ET AL.	
	Examiner	Art Unit	
	Lisa Hashem	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Examiner acknowledges the cancellation of claim 2 in the Amendment filed on 10-28-2004, hereinafter the Amendment.

Claim Objections

2. Claim 14 is objected to because of the following informalities: Examiner assumes claim 14 depends on claim 1, since claim 2 is cancelled. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 and 3-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,356,645 by Trenkle in view of U.S. Patent No. 6,567,651 by Whitley.

Regarding claim 1, Trenkle discloses a hands-free device (Fig. 1, 11) including a housing or casing (Fig. 1, 12; Fig. 3, 12) for use with a mobile phone (col. 4, lines 61-66) and a vehicle seat headrest support structure (Fig. 1, 16), the device including a speaker (Fig. 1, 18) and a microphone assembly (Fig. 1, 24; Fig. 3, 24) for use in combination with a spring (Fig. 3, 37) that couples the device to the headrest support structure and simultaneously allows the spring to be tensioned and held in a tensioned condition by a spring tensioning mechanism via a length adaptor (Fig. 3, 39) to engage the vehicle seat headrest support structure to secure the speaker and microphone assembly adjacent a head of an occupant of the seat via a recess (Fig. 3, 41) to thereby allow the seat occupant to hear information communicated via the mobile phone and the

speaker of the hands-free device while the occupant may simultaneously communicate via a microphone of the microphone assembly, and wherein the tensioning mechanism, upon the application of tension to the spring via the length adaptor (Fig. 3, 39), is positioned to engage and engages the housing of the device to maintain the spring under tension to secure the device to the headrest support structure (col. 4, line 38 – col. 5, line 3; col. 5, lines 45-67).

Trenkle does not disclose a strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism.

Whitley discloses a hands-free device (Figs. 7, 30) including a housing or body (Fig. 7, 31) for use with a mobile phone hands-free speaker and microphone device, e.g. a mobile phone, (col. 6, lines 13-17) and a user's arm, midriff, or leg, the device for use in combination with a strap (Fig. 8, 37) that couples the device to the user's arm, midriff, or leg and simultaneously allows the strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism or adjustable clip (Fig. 8, 37) to engage the user's arm, midriff, or leg to secure the device to allow the user to carry the mobile phone, and wherein the tensioning mechanism or adjustable clip, upon the application of tension to the strap, is positioned to engage and engages the housing of the device to maintain the strap under tension to secure the device to the user's arm, midriff, or leg (col. 5, line 59 – col. 6, line 23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the hands-free device of Trenkle to include a strap as taught by Whitley to provide a hands-free device that can be detached and moved from a vehicle. One of ordinary skill in the art would have been lead to make such a modification since the hands-free device can

utilize a strap that can be adjusted by a tensioning mechanism (adjustable clip) to be secured around the headrest support structure.

Regarding claim 3, the hands-free device of Claim 1, wherein Whitley further discloses the strap includes a strap fastener (Fig. 8, 37) secured to an end of the strap, and includes a span portion (Fig. 7, 31) that is in part coupled to the strap over a section of the strap to thereby ensure that the housing of the device is physically secured to and stably aligned with the strap in a generally parallel relationship to the strap over the strap section (col. 5, line 59 – col. 6, line 8).

Whitley does not disclose the housing of the device is elongated.

Trenkle discloses the housing of the device is elongated (see Fig. 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the hands-free device of Whitley to include an elongated housing of the device as taught by Trenkle. One of ordinary skill in the art would have been lead to make such a modification since an elongated housing of the device can be aligned properly on the vehicle headrest support structure and to comprise the components of the hands-free device including the speaker, microphone assembly, and mobile phone.

Regarding claim 4, the hands-free device of Claim 3, wherein Whitley further discloses the span portion (see Fig. 8) is at least as long as the strap is wide (see Fig. 8, 36).

Regarding claim 5, the hands-free device of Claim 3, wherein Whitley further discloses the elongated housing portion that spans the strap section does so in such a manner that the device and strap are slidably secured relative to each other (see Fig. 8).

Regarding claim 6, the hands-free device of Claim 5, wherein Whitley further discloses the strap section resides between the housing span portion (Fig. 7, 31) and the elongated housing.

Regarding claim 7, the hands-free device of Claim 6, wherein Whitley further discloses the housing span portion is structurally configured to provide a region thereof adapted to receive a mating portion of the fastener (see Fig. 8).

Regarding claim 8, the hands-free device of Claim 7, wherein Whitley further discloses the tensioning mechanism comprises a module fastener (as shown in Fig. 8, (not labeled) to the left of Fig. 8, 37) which is movable and which is secured to the strap for movement on the strap; and wherein the module fastener is provided with a mating strap fastener that allows the module fastener to be fastened to the region of the housing span portion that is adapted to receive the module fastener after the device, the strap under tension via the and strap fastener (adjustable clip (Fig. 8, 37)) have been secured as a unit to the user's arm, midriff, or leg.

Whitley does not disclose a support structure of a headrest.

Trenkle discloses a hands-free device for use with a mobile phone and a vehicle seat headrest support structure (see Fig. 1 and Fig. 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Whitley to include a headrest support structure as taught by Trenkle to provide a hands-free speaker and microphone device that located within the vicinity of the head of an occupant. One of ordinary skill in the art would have been lead to make such a modification since the hands-free device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure.

Regarding claim 9, the hands-free device of Claim 8, wherein Whitley further discloses the module fastener comprises a clip including a portion thereof that engages the housing span

portion to thereby tension the strap to secure the device and a portion of the strap to the module fastener which is slidably secured to the strap (as shown in Fig. 8, (not labeled) to the left of Fig. 8, 37).

Regarding claim 10, the hands-free device of Claim 9, wherein Trenkle discloses the headrest support structure comprises a pair of separated support pillars (Fig. 1, 14) that couple the headrest to the vehicle seat; and thereby establishing a highly stable physical relationship between the device, the recesses (Fig. 3: 29, 41), and pillars behind the neck and head of a vehicle occupant, wherein the recesses secure the device between the support pillars.

Trenkle does not disclose a strap to fasten around a pillar.

Whitley discloses a strap extends from the strap fastener around an arm, midriff, or leg of a user, to and through the span portion of the device and then around the arm, midriff, or leg and through the movable module secured thereto and finally returns to a secured relationship with the strap fastener; and at the moment the movable module is fastened to the housing span portion, the strap then takes on an overall "8" shaped configuration around the arm, midriff, or leg of the user (see Fig. 8; col. 5, line 59 – col. 6, line 22),

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free device of Trenkle to include a strap as taught by Whitley to provide a hands-free device that can be detached and moved from a vehicle. One of ordinary skill in the art would have been lead to make such a modification since the hands-free device can be adjusted and used to secure a hands-free speaker and microphone device around one pillar and another pillar on a headrest support structure.

Regarding claim 11, the hands-free device of Claim 10, wherein Trenkle further discloses the elongated housing is adapted to support the speaker in such a manner that sound from the speaker (Fig. 2, 20) exits the housing proximate a neck and head region of the occupant (see Fig. 2).

Regarding claim 12, the hands-free device of Claim 11, wherein Trenkle further discloses the elongated housing is provided at one end thereof with a microphone assembly (Fig. 3, 24; col. 4, lines 61-66).

Regarding claim 13, the hands-free device of Claim 12, wherein Trenkle further discloses the microphone assembly is comprised of a flexible arm secured at one and thereof to the elongated housing and to provide at another end with a microphone, the flexible arm and microphone are manually positionable to allow an occupant in the vehicle seat to adjust the microphone location to be proximate the mouth of the occupant (col. 5, lines 55-61).

Regarding claim 14, the hands-free device of Claim 1, wherein Whitley further discloses the strap includes a strap fastener (Fig. 8, 37) secured to an end of the strap, and wherein the device is coupled to the strap in at least two locations on the device (Fig. 8, 35) and cooperates with the strap and strap fastener to allow the device to be adjustably secured to the arm.

Trenkle discloses a hands-free device for use with a mobile phone and a vehicle seat headrest support structure (see Fig. 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the hands-free device of Whitley to include a headrest support structure as taught by Trenkle to provide a hands-free device that located within the vicinity of the head of an occupant. One of ordinary skill in the art would have been lead to make such a modification

since the hands-free device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure.

Regarding claim 15, the hands-free device of Claim 14, wherein Whitley further discloses the strap fastener is a buckle or adjustable clip (see Fig. 8, 37).

Regarding claim 16, the hands-free device of Claim 14, wherein Whitley further discloses the device has a housing cover (Fig. 7, 31) that is adapted to receive the strap at the two locations (Fig. 8, 35) in such a manner that the device and strap are slidably secured relative to each other and thereby causes the device to maintain a substantially parallel relationship along the cover of the device and a portion of the strap.

Regarding claim 17, the hands-free device of Claim 16, wherein Whitley further discloses the housing cover that is adapted is provided with a span portion thereof that is integral with and spans the two locations such that a section of the strap resides between the housing cover and the housing cover span portion (see Fig. 8).

Regarding claim 18, the hands-free device of Claim 17, wherein Whitley further discloses the tensioning mechanism comprises a module fastener which is secured to the strap housing span portion which is structurally configured to provide a region thereof adapted to receive a mating portion of the movable module fastener (as shown in Fig. 8, (not labeled) to the left of Fig. 8, 37.

Regarding claims 19-22 and 24, please see the rejections for the hands-free device in claims 8-11 and 13 above, respectively, to reject the hands-free device in claims 19-22 and 24.

Regarding claim 23, the hands-free device of Claim 22, wherein Trenkle further discloses the microphone assembly is of the gooseneck type (see Fig. 2).

Regarding claim 25, Trenkle discloses a hands-free device (Fig. 1, 11) for use with a mobile phone (col. 4, lines 61-66) and a vehicle seat headrest support (Fig. 1, 16) including a pair of pillars (Fig. 1, 14) extending from a headrest (Fig. 1, 16) into a top portion of a vehicle seat (Fig. 1, 15), the device comprising: an elongated housing or casing (Fig. 1, 12; Fig. 3, 12) that includes therein a speaker (Fig. 1, 18), and is provided at one end thereof with a microphone assembly (Fig. 1, 24; Fig. 3, 24); a spring (Fig. 3, 37); a spring tensioning mechanism via a length adaptor (Fig. 3, 39); and wherein the elongated housing is provided with a recess (Fig. 3, 41) to secure the device between the pillars and intermediate the headrest and a top of the seat; and the spring tensioning mechanism engages the spring and, upon application of tension to the spring, is positioned to engage and engages the housing of the device to maintain to the spring under tension to secure the device to the headrest via the recess (col. 4, line 38 – col. 5, line 3; col. 5, lines 45-67).

Trenkle does not disclose a strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism.

Whitley discloses a hands-free device (Figs. 7, 30) including a housing or body (Fig. 7, 31) for use with a mobile phone hands-free speaker and microphone device, e.g. a mobile phone, (col. 6, lines 13-17) and a user's arm, midriff, or leg, the device for use in combination with a strap (Fig. 8, 37) that couples the device to the user's arm, midriff, or leg and simultaneously allows the strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism or adjustable clip (Fig. 8, 37) to engage the user's arm, midriff, or leg to secure the device to allow the user to carry the mobile phone, and wherein the tensioning mechanism, upon the application of tension to the strap, is positioned to engage and engages the housing of the

device to maintain the strap under tension to secure the device to the user's arm, midriff, or leg (col. 5, line 59 – col. 6, line 23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the hands-free device of Trenkle to include a strap as taught by Whitley to provide a hands-free device that can be detached and moved from a vehicle. One of ordinary skill in the art would have been lead to make such a modification since the hands-free device can utilize a strap around the pillars and the strap can be adjusted by a tensioning mechanism (adjustable clip) to be secured around the headrest support structure.

Regarding claim 26, the hands-free device of Claim 25, wherein Whitley further discloses the strap securing structure is configured to couple a region of the strap in at least two locations on the device to the strap (see Fig. 8, 35).

Regarding claim 27, the hands-free device of Claim 26, wherein Whitley further discloses the strap securing structure at the two locations allows the device to be slidably secured relative to the strap and thereby causes the device to maintain a substantially parallel relationship along the elongated housing and the region of the strap between the two locations which ensures the speaker and microphone assembly are consistently positioned (see Fig. 8; col. 5, line 59 – col. 6, line 23).

Whitley does not disclose ensuring the speaker and microphone assembly are consistently positioned behind a neck and head of a vehicle seat occupant when seated and the housing of the device is elongated.

Trenkle discloses the speaker and microphone assembly are consistently positioned behind a neck and head of a vehicle seat occupant when seated (see Fig. 2). Trenkle further discloses the housing of the device is elongated (see Fig. 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Whitley to include the assembly behind the neck and head of an occupant and an elongated housing of the device as taught by Trenkle to provide a hands-free speaker and microphone device that located within the vicinity of the head of an occupant. One of ordinary skill in the art would have been lead to make such a modification since the hands-free device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure and an elongated housing of the device can be aligned properly on the vehicle headrest support structure and to comprise the components of the hands-free device including the speaker, microphone assembly, and mobile phone.

Regarding claim 28, the hands-free device of Claim 27, wherein Whitley further discloses the elongated housing is provided with a span structure or body (Fig. 7, 31) that is integral with and spans the two locations (Fig. 8, 35) such that the strap under tension, by the adjustable clip, (Fig. 8, 37) when present will reside between the housing and the span structure (as shown in Fig. 8).

Whitley does not disclose the housing of the device is elongated.

Trenkle discloses the housing of the device is elongated (see Fig. 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the hands-free device of Whitley to include an elongated housing of the

device as taught by Trenkle. One of ordinary skill in the art would have been lead to make such a modification since an elongated housing of the device can be aligned properly on the vehicle headrest support structure and to comprise the components of the hands-free device including the speaker, microphone assembly, and mobile phone.

Regarding claim 29, the hands-free device of Claim 28, wherein Whitley further discloses the span structure is configured to provide a region thereof adapted to receive a mating portion of the tensioning mechanism when the strap is under tension and is movable on the strap (as shown in Fig. 8, (not labeled) to the left of Fig. 8, 37).

Regarding claim 30, the hands-free device of Claim 29, wherein Whitley further discloses the movable fastening unit is secured to the strap for movement along the strap; and the mating portion cooperates with the span structure after the device, the strap under tension and the strap fastener has been secured around the pillars and the fastening unit has been secured via the mating portion to the span structure (Fig. 8).

Regarding claim 31, the hands-free device of Claim 25, wherein Whitley further discloses the strap fastener is a buckle or adjustable clip (see Fig. 8, 37).

Regarding claim 32, Trenkle discloses a method of providing a mobile phone hands-free speaker (Fig. 1, 18) and microphone (Fig. 1, 24; Fig. 3, 24) device (Fig. 1, 11) include a housing or casing (Fig. 1, 12; Fig. 3, 12) for use with a vehicle seat (Fig. 1, 15), headrest (Fig. 1, 16), and headrest support structure (Fig. 1, 14) comprising the following steps:

(a) positioning, with a spring (Fig. 3, 37) including a spring tensioning mechanism via a length adaptor (Fig. 3, 39), a generally elongated hands-free speaker and microphone device to be adjacent the headrest support structure that structurally interconnects the seat and headrest (see

Fig. 1) via a recess (Fig. 3, 41); (b) securing the elongated device to the headrest support structure by means of the spring and the spring tensioning mechanism being attached to the housing of the device to tension the strap so that the strap passes under tension through a portion of the device in at least two spaced apart locations (see Fig. 3), to thereby provide a physically stable arrangement with the hands-free device secured between the headrest and seat to be in close proximity to a neck and head of a mobile phone user and occupant (Fig. 2, 27) in the vehicle seat (col. 4, line 38 – col. 5, line 3; col. 5, lines 45-67).

Trenkle does not disclose a strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism.

Whitley discloses a hands-free device (Figs. 7, 30) including a housing or body (Fig. 7, 31) for use with a mobile phone hands-free speaker and microphone device, e.g. a mobile phone, (col. 6, lines 13-17) and a user's arm, midriff, or leg, the device for use in combination with a strap (Fig. 8, 37) that couples the device to the user's arm, midriff, or leg and simultaneously allows the strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism or adjustable clip (Fig. 8, 37) to engage the user's arm, midriff, or leg to secure the device to allow the user to carry the mobile phone, and wherein the tensioning mechanism, upon the application of tension to the strap, is positioned to engage and engages the housing of the device to maintain the strap under tension to secure the device to the user's arm, midriff, or leg (col. 5, line 59 – col. 6, line 23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify a mobile phone hands-free device of Trenkle to include a strap as taught by Whitley to provide the mobile phone hands-free device that can be detached and moved from a

vehicle. One of ordinary skill in the art would have been lead to make such a modification since the hands-free device can utilize a strap that can be adjusted by a tensioning mechanism (adjustable clip) to be secured around the headrest support structure.

Regarding claim 33, Trenkle discloses a method of providing a mobile phone (col. 4, lines 61-66) hands-free speaker (Fig. 1, 18) and microphone device (Fig. 1, 24; Fig. 3, 24) including a housing for use with a vehicle seat (Fig. 1, 15), headrest (Fig. 1, 16), and headrest support structure (Fig. 1, 14) comprising the following steps:
(a) positioning, with a spring (Fig. 3, 37) including a spring tensioning mechanism via a length adaptor (Fig. 3, 39), a generally elongated hands-free speaker and microphone device to be adjacent the headrest support structure that structurally interconnects the seat and headrest (see Fig. 1) via a recess (Fig. 3, 41); (b) securing the elongated device to the headrest support structure by means of a spring tensioning means attached to the housing of the device to tension the spring so that the spring pass through portion of the device to thereby constrain the elongated device positionally to be in a parallel configuration with the spring via the length adaptor (Fig. 3, 39), to thereby provide a physically stable arrangement with the hands-free device secured between the headrest and seat in close proximity to a neck and head of a mobile phone user and occupant in the vehicle seat (col. 4, line 38 – col. 5, line 3; col. 5, lines 45-67).

Trenkle does not disclose a strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism.

Whitley discloses a hands-free device (Figs. 7, 30) including a
housing or body (Fig. 7, 31) for use with a mobile phone hands-free speaker and microphone device, e.g. a mobile phone, (col. 6, lines 13-17) and a user's arm, midriff, or leg, the device for

use in combination with a strap (Fig. 8, 37) that couples the device to the user's arm, midriff, or leg and simultaneously allows the strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism or adjustable clip (Fig. 8, 37) to engage the user's arm, midriff, or leg to secure the device to allow the user to carry the mobile phone, and wherein the tensioning mechanism, upon the application of tension to the strap, is positioned to engage and engages the housing of the device to maintain the strap under tension to secure the device to the user's arm, midriff, or leg (col. 5, line 59 – col. 6, line 23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify a mobile phone hands-free device of Trenkle to include a strap as taught by Whitley to provide the mobile phone hands-free device that can be detached and moved from a vehicle. One of ordinary skill in the art would have been lead to make such a modification since the hands-free device can utilize a strap that can be adjusted by a tensioning mechanism (adjustable clip) to be secured around the headrest support structure.

Regarding claim 34, Trenkle discloses a method of securing a mobile phone hands-free speaker (Fig. 1, 18) and microphone (Fig. 1, 24; Fig. 3, 24) for use with a vehicle seat (Fig. 1, 15), headrest (Fig. 1, 16), and headrest support structure including of a pair of pillars (Fig. 1, 14) that structurally connect the headrest and a top of the vehicle seat, the method comprising the following steps:(a) positioning, with a recess (Fig. 3, 41) including a spring tensioning mechanism via a length adaptor (Fig. 3, 39), an elongated hands-free speaker and microphone device (Fig. 1, 11) to be adjacent the pair of pillars such that a projection of a line coincident with a centerline of the elongated device intersects the pair of pillars in a generally perpendicular manner, and (b) securing the elongated device to the pair of pillars by means of the recess and

the spring tensioning mechanism being attached to the housing or casing (Fig. 1, 12; Fig. 3, 12) of the device to tension the spring to thereby constrain the device positionally to be in a parallel relationship with the centerline of the device and in a generally perpendicular relationship to the pillars via the length adaptor, to thereby provide a physically stable arrangement with the hands-free device secured to the headrest and seat via the pillars in close proximity to a neck and head of a mobile phone user employing the device when the mobile phone user and occupant is in the vehicle seat (col. 4, line 38 – col. 5, line 3; col. 5, lines 45-67).

Trenkle does not disclose a strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism.

Whitley discloses a hands-free device (Figs. 7, 30) including a housing or body (Fig. 7, 31) for use with a mobile phone hands-free speaker and microphone device, e.g. a mobile phone, (col. 6, lines 13-17) and a user's arm, midriff, or leg, the device for use in combination with a strap (Fig. 8, 37) that couples the device to the user's arm, midriff, or leg and simultaneously allows the strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism or adjustable clip (Fig. 8, 37) to engage the user's arm, midriff, or leg to secure the device to allow the user to carry the mobile phone, and wherein the tensioning mechanism, upon the application of tension to the strap, is positioned to engage and engages the housing of the device to maintain the strap under tension to secure the device to the user's arm, midriff, or leg (col. 5, line 59 – col. 6, line 23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Trenkle to include a strap as taught by Whitley to provide a hands-free speaker and microphone device that

can be detached and moved from a vehicle. One of ordinary skill in the art would have been lead to make such a modification since the hands-free device can utilize a strap that can be adjusted by a tensioning mechanism (adjustable clip) to be secured around the headrest support structure.

Response to Arguments

5. All items addressed in the Amendment, not mentioned below are acknowledged by the Examiner.

6. In regards to Applicant's arguments filed in the Amendment on page 13, Examiner agrees that Trenkle does not disclose the usage of a strap with the hands-free device. However, Whitley clearly discloses using a strap which utilizes a tensioning mechanism or tensioning means to a housing to maintain tension in the strap. This is why this is a 103(a) rejection. Whitley clearly discloses a strap which is tensioned by an adjustable clip (Fig. 8, 37) to be worn around a user's arm, midriff, or leg, in order for said device to stay in place around the user's arm, midriff, or leg.. The hands-free phone device of Trenkle can be modified to include a band device of Whitley (Fig. 8, 3) to secure the hands-free phone device and be placed on the vehicle headrest support structure in Fig. 1 of Trenkle.

In conclusion, the hands-free device of Trenkle can be modified to include the strap under tension as taught by Whitley to secure the device to the headrest.. Please see the 103(a) rejections above.

7. Applicant's arguments with respect to claims 1 and 3-34 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

10. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
April 12, 2005

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600